

is of the opinion that same should be accepted, subject to the filing of a letter by the architects that certain minor corrections have been satisfactorily completed; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said project and the work thereof is hereby accepted as substantially completed, and the City Manager be, and he is hereby, authorized and directed to approve the final estimates and to issue warrants in payment thereof upon receipt of a letter from the architects stating that all conditions required in the plans and specifications and the PWA requirements have been met, and on the further condition that the Curtis Electrical Company file an affidavit signed before a notary public stating that all employees of said company on said contract have been paid the wage scale provided in the contract, and further stating that no employees have been used to do any work for which they were not classified and authorized as provided for in the labor classification, and that, upon receipt of the information herein specified, he be authorized and directed to release the contractor from any further liability in connection with said work, and to authorize the cancellation of the bonds guaranteeing the successful completion of the project.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:20 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:

Hellie McKellar  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 26, 1938.

The City Council of the City of Austin, Texas, met in regular session, at the regular meeting place, on May 26, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Tom Miller; absent, Councilman Oswald G. Wolf.

The reading of the Minutes was dispensed with.

Councilman Alford offered the following resolution:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be, and the same is, hereby permitted to construct its pole lines in the following streets:

A telephone pole line in VIRGINIA AVENUE from Cliff Drive to Kinney Avenue, the centerline of which pole line shall be 1 foot south of and parallel to the north line of said Virginia Avenue.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Gillis offered the following resolution:

WHEREAS, Texas Public Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is, hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EVERGREEN AVENUE from West Mary Street northerly 246 feet, the centerline of which gas main shall be 7½ feet west of and parallel to the east line of said Evergreen Avenue.

Said gas main shall have a covering of not less than 2½ feet.

(2) A gas main in KENWOOD AVENUE southerly 112 feet from a point 42 feet north of the north line of Mariposa Drive, the centerline of which gas main shall be 20 feet west of and parallel to the east line of said Kenwood Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(3) A gas main in REAGAN TERRACE easterly 112 feet from a point 270 feet east of the east line of Kenwood Avenue, the centerline of which gas main shall be 15 feet south of and parallel to the north line of said Reagan Terrace.

Said gas main described above shall have a covering of not less than 2½ feet.

(4) A gas main in WEST 38TH STREET easterly 72 feet from a point 45 feet east of the east line of Jefferson Street, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said West 38th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(5) A gas main in SABINE STREET southerly 25 feet from a point 110 feet south of the south line of East 23½ Street, the centerline of which gas main shall be 24 feet east of and parallel to the west line of said Sabine Street.

Said gas main shall have a covering of not less than 2½ feet.

(6) A gas main in WEST 32nd STREET from San Gabriel Street westerly 35 feet, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said West 32nd Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(7) A gas main in SAN GABRIEL STREET from West 32nd Street southerly 107 feet, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said San Gabriel Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(8) A gas main in WOODROW STREET from Carolyn Avenue Alley northerly 90 feet, the centerline of which gas main shall be 9 feet west of and parallel to the east line of said Woodrow Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(9) A gas main in EAST 30TH STREET easterly 124 feet from a point 94 feet east of the east line of Beanna Street, the centerline of which gas main shall be 15 feet north of and parallel to the south line of said East 30th Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(10) A gas main in WEST JOHANNA STREET westerly 115 feet from a point 90 feet west of the west line of Wilson Street, the centerline of which gas main shall be 20 feet south of and parallel to the north line of said West Johanna Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(11) A gas main in WEST SIXTH STREET from Campbell Street to West Lynn Street, the centerline of which gas main shall be 5½ feet north of and parallel to the south line of said West Sixth Street.

Said gas main described above shall have a covering of not less than 2½ feet.

(12) A gas main in GASTON AVENUE across Wooldridge Drive intersection, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Gaston Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

(13) A gas main in VIRGINIA AVENUE from Kinney Avenue west 30 feet, the centerline of which gas main shall be 7½ feet south of and parallel to the north line of said Virginia Avenue.

Said gas main described above shall have a covering of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repair or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$1200.00 be, and the same is, hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of constructing an asphalt topping on the present gravel base on Robert E. Lee Highway from Barton Springs Road to Blue Bonnet Lane. Although the general traffic along Robert E. Lee Highway is not particularly heavy, the short stretch of road to be paved receives its traffic from participants and spectators traveling between the city and the two softball diamonds daily from 5:30 P. M. to 10:00 P. M. This traffic causes a cloud of dust

hover over the ball fields, at which nightly approximately 256 men participate and some nights as many as 2500 people are spectators.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

WHEREAS, the Public Works Administration requires that all projects undertaken under its regulations be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in proposed work on Docket No. 1854, the said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which will be necessary to be used in the proposed work under Docket No. 1854; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be, and he is hereby, authorized and directed to submit such additional schedule to the State Director of the Public Works Administration, and provide all contractors and sub-contractors on said Docket No. 1854 be notified and directed that such scale of wages must be complied with.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following report of the Board of Adjustment was received:

"Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

The Board of Adjustment, at a meeting held on May 24, 1938, passed the following resolution, which is hereby submitted to be substituted for the resolution previously submitted on May 3, 1938, with a request that you give the same your serious consideration:

**R E S O L U T I O N .**

WHEREAS, the Board of Adjustment, on April 19, 1938, passed a resolution approving the petition of Mr. A. W. Thielepape for a change in the Use District designation of Lots 17, 18, 19, 20, and 21, of Block 7, Military Heights Addition No. 2 of the City of Austin, from "A" Residence District to "C" Commercial District; and

WHEREAS, this resolution was based on the belief that the change was desired by the property owners of Oakmont Heights as evidenced by the signatures on the petition presented by the applicant, Mr. Thielepape, and further oral affirmations of the applicant that other property owners who had been approached had no objection to the change; and

WHEREAS, subsequent to the transmittal of the resolution to the City Council, the new information, facts, and protests were presented to the Board of Adjustment which were deemed of sufficient importance to justify a review of the application; and

WHEREAS, the Board of Adjustment, in view of the above revelations, moved to review the application and call for a public hearing on May 24, 1938, in order to substantiate and confirm these revelations and to secure all additional facts; and

WHEREAS, at this hearing, a large number of property owners of Oakmont Heights Addition appeared before the Board and presented a petition signed by 28 residents, in addition to four individual communications and numerous verbal protests against the change of this property from "A" Residence District to "C" Commercial District; and

WHEREAS, at this hearing, four of the original signers of the petition presented by Mr. Thielepape requested their names to be withdrawn therefrom and submitted their protests to this change; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the Use District designation of the above described property is hereby not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne, Chairman.

May 25, 1938.

Written protests against the aforesaid proposed change in zoning were received from the following property owners: E. J. Davis, Bess Heflin, Mr. and Mrs. Mark Burnett, H. W. Chalberg, Celia May Martin, Oscar A. E. Free, and W. F. Bayans.

F. Y. Herrin and R. G. Mueller, property owners, appeared in person to protest the proposed change on the ground that it would greatly detract from the residential value of the surrounding property, and submitted written protest of property owners.

Councilman Gillis moved that the action of the Board of Adjustment be sustained and that no change be made in the zoning of the aforesaid property. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following reports of the Board of Adjustment and the City Plan Commission were received:

"Austin, Texas  
May 25, 1938

Hon. Mayor and City Council  
Austin, Texas

Gentlemen:

On May 10, 1938, the City Council referred to the Board of Adjustment two applications for zoning changes in the territory recently annexed to the City of Austin. These consisted of the following tracts of land:

Lots 8 and 9, Block 1, Fredericksburg Road Acres  
Lots 114 to 126, inclusive, of Tarrytown No. 3

The Board considered these applications, but in view of the fact that final zoning maps covering this annexed territory were under preparation by the City Plan Commission, referred these applications to the City Plan Commission for their consideration in order to avoid any confusion or conflict in the final zoning of this area, and as the Board had no knowledge of the designations which the City Plan Commission was determining for these particular properties.

The City Plan Commission, having completed the zoning maps, indicate the following determination of the Use district designation of these tracts:

1. Lots 8 and 9, Block 1, in Fredericksburg Road Acres, which property was requested to be changed from "A" Residence District to "C" Commercial District by Vincent Valdes, is now shown on these maps as a commercial district.
2. Lots 114 to 126, inclusive, of Tarrytown No. 3, for which a petition was presented for changing the same from Residence "A" to Residence "B", is now shown as an "A" Residence District.

The Board of Adjustment concurs with the City Plan Commission in these designations as being proper and to the best interests of the City and for the general welfare.

Respectfully submitted,

BOARD OF ADJUSTMENT

By H. F. Kuehne  
Chairman.

"Honorable Mayor and City Council  
Austin, Texas

Gentlemen:

The City Plan Commission hereby begs to submit to you for your consideration and adoption the comprehensive zoning of all the territory recently annexed to the City of Austin.

Attached hereto are two maps showing the extensions of the zoning classifications to this new territory. One map indicates the "Use" District designations and the other, the Height and Area Districts.

These maps are the result of an extensive study on the part of the Commission of the present "Uses", as well as the projected future growth of the City of Austin into these areas. The designations indicated on the maps are considered by the Commission to be for the present the most desirable "Uses" to which the land should be put until definite trends of development indicates further modification and adjustment.

The Commission has indicated a minimum of business commercial property in view of the fact that the City within its old limits is now over-zoned with commercial property. The excessive commercial zoning is contrary to sound planning and social economy. The absorption of present commercial property within the City will require

considerable time, notwithstanding the present rapid growth of the City. The Commission has therefore only zoned that property for commercial uses which fronts along the major highways entering the City which is already largely used for business purposes; and has provided a few neighborhood shopping centers at strategic points. In the eastern portion of the City along the railroad a smaller amount of property has been zoned for business purposes, as the City already has a larger amount of industrial property far behind its capacity to absorb in the immediate future. No extension of the present liquor zone has been made, as there will be several non-conforming uses of this character in the annexed territory. In the northern section of the City there will be several non-conforming uses, such as monument works, crank case oil plant, and some retail stores in Highland Addition.

In accordance with the requirements of the law, public hearings must be held by the City Council before the adoption of these recommendations. Inasmuch as the Council, as well as the Zoning Board of Adjustment, is receiving numerous applications for the changes in the Use Districts now established ad interim, it is urged that the Council set a date for such hearings as early as possible in order to avoid any further confusion or delay in the consideration of such applications.

The Commission hopes the Council will adopt the recommendations as indicated upon the maps, and that the same be enacted in an amendment to the Zoning Ordinance at the earliest possible date.

After the final adoption of the amendment, the Commission begs to urge the Council to immediately prepare new zoning maps including the old and new territory on two official maps.

It is hoped that the efforts of the City Plan Commission, in the preparation and submission of the above recommendations, will meet with the approval of the City Council.

Respectfully submitted,

May 16, 1938.

H. F. Kuehne, Chairman. "

Upon motion, seconded and carried, a public hearing on the proposal to zone the recently annexed territory, in accordance with the foregoing recommendations of the City Plan Commission and the Board of Adjustment, was called for Thursday, June 16, 1938, at 11:00 A. M.

Councilman Alford moved that the taxicab driver's permit of Mervin Wheeler, 2614 East Second Street, be revoked, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

WHEREAS, City of Austin taxes were assessed in the name of William Rudolph Estate for the years 1932, 1934, 1935, and 1936, on Lot 1, Block 112, Original City, Plat 8, and parts of Lots 8 and 9, Block 122, Original City, Plat 5, and on certain personal property, for the years 1929, 1932, 1933, 1934, and 1935, all located in the City of Austin, Travis County, Texas, said taxes aggregating the sum of \$516.62, with penalty amounting to \$40.83, and accrued interest thereon for non-payment of said taxes at maturity amounting to \$134.39; and

WHEREAS, the City Council deems it equitable and advisable to remit the penalty on said property and one-half of the interest on condition that said taxes be paid not later than June 1, 1938; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the penalty on said property for said years in the sum of \$40.83, and one-half of the interest, said one-half being \$67.19, is hereby remitted on condition that said taxes be paid in full, together with one-half of the interest accrued thereon, not later than June 1, 1938; and the Tax Assessor and Collector of the City of Austin is authorized and directed that if said taxes in the sum of \$516.62, together with \$67.19 interest thereon, is paid not later than June 1, 1938, to charge said penalty of \$40.83 and \$67.19 of the interest on said taxes off his rolls, and to issue to Paul Wilde, Executor of the Estate of William Rudolph, a receipt in full on the payment of said

taxes together with \$67.19 interest thereon.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Bartholomew offered the following resolution:

WHEREAS, the City of Austin owns in fee simple the hereinafter described lots or tracts of land and same are not needed by said City for municipal purposes; and

WHEREAS, R. E. Leigh desires to purchase said land and has offered said City of Austin \$1,000.00 in cash in consideration of the conveyance to him by City of Austin by warranty deed of the hereinafter described land, subject to the right of the City of Austin, and its successors, to construct, maintain and operate public utilities in, upon and across the hereinafter described property; and

WHEREAS, the City Council finds that said offer is a fair price for the hereinafter described property, with the rights reserved to the City to construct and maintain public utilities thereon, and it is deemed advisable to accept said proposition; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Guiton Morgan, City Manager, of the City of Austin, is hereby directed and authorized to accept said proposition and to execute a good and sufficient warranty deed of conveyance to said R. E. Leigh, in the name and on behalf of the City of Austin, upon the payment to the City of Austin of \$1,000 cash, to all those certain tracts or parcels of land situated in the City of Austin, Travis County, Texas, and more particularly described as follows:

Lots 5 and 6, Block 11, of the W. A. Harper Subdivision of Outlots 7 and 8, Division "C", in the City of Austin, Travis County, Texas, according to a map or plat recorded in Book 3, at page 89 of the Plat Records of Travis County, Texas, to which said map or plat and the record thereof reference is hereby made for further description, same being also the land conveyed by W. A. Harper to the City of Austin on September 9, 1937, the deed recorded in Book No. 413, at pages 123-124 of the Deed Records of Travis County, Texas, to which deed and its record reference is hereby made for all pertinent purposes.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Councilman Alford offered the following resolution:

WHEREAS, City of Austin taxes were assessed in the name of T. J. Christal for the years 1929 through 1936, inclusive, on the following described property, to-wit:

In the City of Austin, Travis County, Texas, being 141x150 feet and 52/100 acre Lewis Hancock Subdivision, Flat 77, said taxes aggregating \$137.57, and in addition thereto penalties and interest were assessed thereon for non-payment of taxes on maturity; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit the penalty for non-payment of said taxes in the sum of \$6.87, on condition that said taxes, with interest accruing thereon, be promptly paid; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty, in the sum of \$6.87, is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed that if said taxes in the sum of \$137.57, together with interest thereon, is promptly paid to charge said penalty of \$6.87 off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes, together with interest.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

A petition signed by Mrs. Ada Z. Robinson, et al., asking for a signal light at the intersection of East First and San Jacinto Streets, was received and referred to the City Manager for attention.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 11:40 A. M., subject to call of the Mayor.

Approved: Tom Miller  
Mayor

Attest:  
Harris McCallan  
City Clerk

**SPECIAL MEETING OF THE CITY COUNCIL:**

Austin, Texas, May 28, 1938.

The City Council met in special session at the regular meeting place at 10:30 A.M., May 28, 1938, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, and Mayor Tom Miller; absent, Councilman Oswald G. Wolf.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS AND HIGHWAYS IN THE CITY OF AUSTIN, BY WHICH THE PARKING METER ZONES ARE AUTHORIZED AND PROVISION IS MADE FOR THE INSTALLATION, OPERATION, MAINTENANCE, SUPERVISION, REGULATION AND CONTROL OF THE USE OF PARKING METER SPACES AND PARKING METERS AND THE MAINTENANCE AND INSTALLATION OF PARKING METERS, WHICH SAID ORDINANCE WAS PASSED BY THE CITY COUNCIL AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-285, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY THE AMENDMENT OF WHICH IN THIS ORDINANCE ADDITIONAL STREETS ARE INCLUDED WITHIN THE PARKING METER ZONE AND THE TIME LIMITATION FOR CONTINUOUS PARKING ON CERTAIN STREETS IS FIXED AT TWO HOURS, AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was suspended and the ordinance was passed to its second reading, by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Bartholomew; nays, none; Councilman Wolf absent.

The ordinance was read the second time, and upon motion of Councilman Gillis, seconded by Councilman Alford, the rule was further suspended and the ordinance was passed to its third reading, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the third time, and upon motion of Councilman Gillis,